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PART - IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

ORDERS BY THE GOVERNOR

NOTIFICATION

The 30th March, 2012.

No.LL(B)20/2012/25.—Meghalaya Private Universities (Regulation of Establishment and Maintenance of Standards) Act, 2012 (Act No. 8 of 2012) is hereby published for general information.

MEGHALAYA ACT NO. 8 OF 2012.

(As passed by the Meghalaya Legislative Assembly)

Received the assent of the Governor on 29th March, 2012.

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**MEGHALAYA PRIVATE UNIVERSITIES (REGULATION OF ESTABLISHMENT AND
MAINTENANCE OF STANDARDS) ACT, 2012**

An

Act

to provide for regulation of private Universities in the State and for matters connected therewith.

Whereas it is necessary to ensure that private universities maintain the standards of infrastructures, teaching, research, examination and extension of services, fee structure, safeguarding the interest of the state as a whole and in particular of the student community by emphasizing on quality education and avoiding commercialization of higher education.

Be it enacted by the Legislature of the State of Meghalaya in the Sixty-third Year of the Republic of India as follows: -

Short title, 1. (1) This Act may be called the Meghalaya Private Universities
application and (Regulation of Establishment and Maintenance of Standards) Act,
commencement 2012.

(2) It shall apply to all private universities established by or incorporated under a State Act and opened in Meghalaya in collaboration with foreign University, formal and non-formal or distance education made by private universities.

(3) It shall come into force with effect from the date of notification.

Definitions.

2. In this Act, unless the context otherwise requires, -

- (a) "Act" means the Meghalaya Private Universities (Regulation of Establishment and Maintenance of Standard) Act, 2012;
- (b) "application fee" means amount deposited by the sponsoring body along with the proposal and project report to establish a university in private sector;
- (c) "off-campus center" means a center of the private university established by it outside the main campus (within or outside the State) operated and maintained as its constituent unit, having the university's complement of facilities, faculty and staff;
- (d) "off-shore campus" means a campus of the private university established by it outside the country, operated and maintained as its constituent unit, having the university's complement of facilities, faculty and staff;
- (e) "off-campus centre" "off-shore campus" and "study centre" as defined under these Regulations shall be applicable to the universities as defined under 2(f) of the UGC Act, 1956;
- (f) "prescribed" means prescribed by rules made under this Act;
- (g) "Private university" means university duly established through a State Act by a sponsoring body viz. a Society registered under the Meghalaya Registration of Societies Act, 1983 or any other corresponding law for the time being in force in a State or a Public Trust or a Company registered under Section 25 of the Companies Act, 1956;
- (h) "State Government" means the State Government of Meghalaya;
- (i) "study center" means a center established and maintained or recognized by the university for the purpose of advising, counseling or for rendering any other assistance required by the students used in the context of distance education; and
- (j) "Student" means a person duly admitted and pursuing a programme of study;

Establishment and recognition of Private Universities.

3. (1) Each private university shall be established by a separate State Act and shall conform to the relevant provisions of such State Act.

(2) For a Private University established by a State Act and which is non-functional within 2(two) years of establishment, any land allotted, whether privately owned or on lease or otherwise, will revert back to the owners(s) / lessee(s) on terms and conditions agreed upon.

(3) A private university shall be a unitary university having adequate facilities for teaching, research, examination and extension services with no power of affiliation.

(4) Government Representatives shall be included in the Board of Governors.

(5) A private university established under a State Act shall operate ordinarily within the boundary of the State concerned, subject to the following conditions, namely, -

(a) a private university shall fulfill the minimum criteria in terms of programmes, faculty, infrastructural facilities, financial viability as laid down from time to time by the UGC and other concerned statutory bodies to which it applies such as the All India Council for Technical Education (AICTE), the Bar Council of India (BCI), the Distance Education Council (DEC), the Dental Council of India (DCI), the Indian Nursing Council (INC), the Medical Council of India (MCI), the National Council for Teacher Education (NCTE), the Pharmacy Council of India (PCI), etc;

(b) the courses of studies prescribed for a first degree and/or the postgraduate degree/diploma programmes should have been formally approved by the respective academic bodies of the private university, such as Board of Studies, Academic Council or Governing Council or Executive Council;

(c) the programmes of study leading to a degree and or a

post graduate degree or diploma offered by a private university shall conform to the relevant regulations or norms of the Education Department, Government of Meghalaya or the concerned statutory body as amended from time to time;

- (d) a private university shall provide all the relevant information relating to the first degree or diploma programme(s) including the curriculum structure, contents, teaching and learning process, examination and evaluation system and the eligibility criteria for admission of students, to the education Department, Government of Meghalaya on a proforma prescribed by the UGC or Department prior to starting of these programmes;
- (e) Education Department, Government of Meghalaya on detailed examination of the information made available as well as the representations and grievances received by it from the students as well as concerned public relating to the deficiencies of the proposed programme(s) not conforming to various Government regulations, shall inform the concerned university about any shortcomings in respect of conformity to relevant regulations, for rectification. The university shall offer the programme(s) only after necessary rectification;
- (f) the admission procedure and fixation of fees shall be in accordance with the norms or guidelines prescribed by the UGC and other concerned statutory bodies;
- (g) relaxation of fees for poor SC/ST and meritorious students of the State is to be formulated by a separate policy of the private university in consultation with Government of Meghalaya.

Application for establishment of Private Universities.

4. (1) An application in the prescribed format along with letter of intent for establishment of a private university shall be submitted to the Government in the Education Department well in time before the date on which the sponsoring body proposes to establish such private university.

(2) The application shall be duly acknowledged by the Director of Higher and Technical Education, Meghalaya.

(3) The application shall be signed by such persons authorized to authenticate instruments on behalf of the sponsoring body.

(4) An application fee (non-refundable) of rupees ten thousand only shall be enclosed with the application through a crossed account payee bank draft in favour of the Government of Meghalaya through the Director of Higher and Technical Education, Meghalaya, payable at Shillong. The money received on account of application fee shall be deposited by the Director of Higher and Technical Education in current account in a nationalized bank to be operated jointly by the Director of Higher and Technical Education and the Finance and Accounts Officer of the Directorate.

(5) Application for the establishment of the private university shall contain the project report with all relevant particulars and be accompanied by at least ten copies of such detailed project report including soft copies in a format to be prescribed by the Department at the appropriate time.

(6) The Government has the right to reject an application for reasons as it deems justifiable. The sponsoring body may, however, apply afresh for a new or a modified project along with application fee, not later than 6 months from the date of rejection of previous proposal.

Acceptance and Rejection

5. (1) In case of acceptance or rejection of the application for establishment of a private university, the Government shall communicate the same formally.

(2) In case of acceptance, when the formalities as per the relevant Act have been complied with, the sponsor shall procure land and have

proper infrastructure including teaching staff as per the UGC norms or any other authority as the case may be without which they cannot start the university.

Endowment Fund.

6. (1) The endowment fund in the form of a bank guarantee issued by a scheduled bank shall be pledged in the name of the Director of Higher and Technical Education, Meghalaya who shall also be the custodian for all documents and instruments related to the endowment fund and its investment.

(2) In case the private university or the sponsoring body contravenes any of the provisions of the regulations or rules made there under, a part or whole of the endowment fund may be forfeited by the Government but before such forfeiture, a show cause notice shall be served by the Government on the sponsoring body or the private university, as the case may be.

(3) The Government shall, among other things, duly consider the reply submitted by the sponsoring body or private university.

(4) In case the reply to show cause notice issued under subsection (2) is not submitted by the sponsoring body or by the Registrar of the university within 45 days of receipt of the notice, the Government may decide the case on an ex-parte basis.

(5) The forfeited amount of endowment fund shall be used in the manner as specified in the relevant provisions of the governing Act.

Inspection and Disclosure of information.

7. The State Government shall have the right to cause inspection of all records and premises of the university at any given time. In the event of the university violating conditions set forth in the relevant Act or in the event of the university deviating from norms and extant regulations laid down by the UGC, the State Government may call for all relevant information from the concerned private university in whatsoever form as may be prescribed at the relevant time.

Consequences of violations.

8. (1) After inspection and assessment of a private university providing first degree and/or post graduate degree/diploma courses,

the Education Department, Government of Meghalaya may communicate to the private university any deficiency and non-conformity with the relevant Government regulations and give it reasonable opportunity to rectify the same. If the State Government, is satisfied that the private university has, even after getting an opportunity to do so, failed to comply with the provisions of any of the Regulations, it may pass an order prohibiting the private university from offering any course for the award of the first degree and, or the post-graduate degree or diploma, as the case may be, till the deficiency is rectified.

(2) Any private university, which has been notified before commencement of this Act, shall comply with the provisions of this Act within a period of three months from the commencement of this Act and intimate the compliance to the State Government.

(3) The State Government may take necessary action against a private university awarding a first degree and or post-graduate degree or diploma, which are not specified by the UGC, and inform the public in general through a public notification. A private university continuing such programme(s) and awarding unspecified degree(s) shall be liable for penalty under Section 24 of the UGC Act, 1956.

(4) The State Government may take appropriate action against a study center or campus of any private university set up outside the State and having such campus or study center in Meghalaya who do not fulfill the conditions referred to sub-sections (1), (2) and (3) above including direction for closure of such study center or campus.

(5) The State Government on the recommendation of the Regulatory Board specified under section 9. (1), impose penalties on any private university which awards any degree that does not conform to extant government regulations.

Provided no such penalty shall be imposed unless such private university is given a reasonable opportunity of being heard.

**Constitution of
Meghalaya
Higher
Education
Council**

9. (1) There shall be a Higher Education Council to be called the 'Meghalaya Higher Education Council' for the purpose of assisting the Government on the matters of policy relating to development of higher education and maintaining of standards in higher education in the State of Meghalaya. Further terms of reference shall be specified in the rules.

(2) The Council shall be constituted by the Government and shall consist of a Chairman, Secretary and ten other members to be nominated by the Government.

(3) The Meghalaya Higher Education Council constituted under subsection (2) shall include

(a). An eminent educationist of repute as Chairman or an eminent person with vast administrative experience.

(b). Director of Higher and Technical Education as Member Secretary.

(c). Ten other members to be nominated from among the following:-

(i) Educationists of repute;

(ii) Heads of Colleges;

(iii) Chair persons of governing bodies of colleges;

(iv) An eminent social activist in the field of education etc.

(4) The Council shall regulate its own procedure.

(5) The terms of office of every member of the Council and traveling and other allowances payable to a member of the Council shall be as may be prescribed under rules.

**Constitution of
a Regulatory
Board**

10. (1) The State Government shall constitute a Regulatory Board consisting of Chairman and three members to be nominated by the State Government from eminent educationists of repute or eminent persons with vast administrative experience to be specified under the

rules. The term of reference of the Board shall be specified under the rules;

(2) The Regulatory Board shall be convened from time to time and the Headquarters shall be in Shillong.

(3) The non official members nominated by the State Government of this section shall be entitled to such honorarium, travelling allowance and daily allowance as may be prescribed.

Powers to make Rules.

11. The State Government may make rules for carrying out the purposes of this Act.

L. M. SANGMA,

Secretary to the Government of Meghalaya,
Law Department.